

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BERETTA HOFF,

No. C 07-00126 SI

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR A CONTINUANCE OF
HEARING**

v.

AT&T-PBIS, et al.,

Defendants.

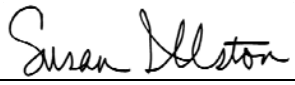
Defendants' motion for summary judgment is currently scheduled for hearing on January 18, 2008. Plaintiff's counsel has requested that the Court continue this hearing until February 15, 2008, because counsel is scheduled to appear in another court at the same time. The Court hereby GRANTS the request [Docket No. 41], but finds that the motion can be heard prior to plaintiff's proposed date. The motion for summary judgment will be heard on February 8, 2008, at 9:00 a.m., and the case management conference will be held on the same date at 2:30 p.m.

Plaintiff's counsel also appears to ask the Court for leave to file a late opposition to the motion for summary judgment, a request defendants oppose. Defendants appear to be correct that plaintiff's opposition was due on November 9, 2007, because the motion had been scheduled for hearing on November 30, 2007. Plaintiff's counsel states that he was not able to file an opposition due to the death of his aunt on December 11, 2007, but the Court fails to see how that unfortunate event could have had an impact on the preparation of a document due one month earlier. In the interests of resolving this dispute on the merits, however, the Court will permit plaintiff's counsel to file a late opposition. Plaintiff's counsel is advised to follow the local rules with respect to deadlines, and the Court will not

1 tolerate any further failures to follow deadlines on the part of plaintiff's counsel. Plaintiff's opposition
2 is due on or before January 18, 2008, and defendants' reply is due on or before January 25, 2008.

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4 **IT IS SO ORDERED.**

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6 Dated: January 8, 2008



SUSAN ILLSTON
United States District Judge